

CARTER COUNTY SHERIFF'S OFFICE

2018 ANNUAL PREA REPORT

GENERAL INFORMATION:

The Prison Rape Elimination Act (PREA) was passed into law in 2003 by President George W. Bush. The act mandated zero tolerance of sexual abuse inside correctional facilities and developed standards to detect and prevent sexual abuse and sexual harassment of those incarcerated. This report serves as an annual review to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training within the Carter County Sheriff's Office Corrections Division, pursuant to §115.88 and §115.89 of the national PREA standards. Therein, the Carter County Sheriff's Office will:

1. Review and aggregate incident-based sexual abuse data annually in order to improve effectiveness of sexual abuse prevention, detection, and response policies, practices, training to include:
 - a. Identifying problem areas;
 - b. Taking corrective action on an on-going basis; and
 - c. Preparing an annual report of its findings.
2. Compare the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse.
3. Publish the annual report of its findings and corrective actions on the Carter County Sheriff's Office website.

PREA DEFINITIONS:

Sexual abuse includes:

1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties of where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) – (5) of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and;
8. Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

PREA INCIDENT TYPES BY ALLEGATION:

Substantiated: Investigated and determined to have occurred.

Unsubstantiated: Investigated, however not enough evidence to determine an incident had occurred.

Unfounded: An allegation that was investigated and determined to not have occurred.

Ongoing: Investigation has not been completed.

INVESTIGATIONS:

Every allegation made is investigated. If an allegation of sexual abuse is substantiated, the perpetrator will be charged with a criminal act and CCSO will work closely with prosecutors to ensure prosecution. Any reports made in bad faith will also be referred to prosecutors, and criminal and/or disciplinary charges will be pursued.

INMATES AND INCIDENTS INCLUDED IN DATA COLLECTION:

Inmates housed in the Carter County Detention Center between January 1, 2018 and December 31, 2018.

Any incident of sexual misconduct, sexual harassment, or sexual abuse involving inmate-on-inmate or staff-on-inmate.

GENERAL INFORMATION:

Number of Individuals –

Incarcerated in Carter County Detention Center on December 31, 2018

Male 224 Female 74

Admitted to Carter County Detention Center during 2018

Male 2917 Female 347

ALLEGATION INFORMATION:

Inmate on Inmate nonconsensual sexual acts between January 1, 2018 and December 31, 2018

Number Reported: 2
Substantiated: 0
Unsubstantiated: 0
Unfounded: 2
Ongoing: 0

Inmate on Inmate abusive sexual contacts between January 1, 2018 and December 31, 2018

Number Reported: 2
Substantiated: 0
Unsubstantiated: 0
Unfounded: 2
Ongoing: 0

Inmate on Inmate sexual harassment between January 1, 2018 and December 31, 2018

Number Reported: 5
Substantiated: 0
Unsubstantiated: 1
Unfounded: 4
Ongoing: 0

Staff sexual misconduct between January 1, 2018 and December 31, 2018

Number Reported: 3
Substantiated: 1
Unsubstantiated: 1
Unfounded: 1
Ongoing: 0

Staff sexual harassment between January 1, 2018 and December 31, 2018

Number Reported: 3
Substantiated: 1
Unsubstantiated: 1

Unfounded: 1
Ongoing: 0

Staff sexual abuse between January 1, 2018 and December 31, 2018

Number Reported: 1
Substantiated: 1
Unsubstantiated: 0
Unfounded: 0
Ongoing: 0

INCIDENT REVIEWS:

PREA standard 115.86 requires an incident review of each alleged sexual abuse incident, unless the incident was unfounded. The review must consist of the following individuals: line supervision, upper-management, medical/mental health care staff, and an investigator. The team recommends corrective action after reviewing an incident and monitors to ensure compliance with their recommendations.

In assessing and reviewing the 6 substantiated and unsubstantiated incidents occurring in 2018, the following was determined:

- Each incident occurred inside the Carter County Detention Center.
- 1 case involved an inmate on inmate sexual harassment, 2 cases involved staff sexual misconduct, 2 cases involved staff sexual harassment, and 1 case involved staff sexual abuse.
- 2 incidents occurred inside a cell, 3 incidents occurred in the dayroom/common area of a block/dormitory, and 1 incident occurred inside a hallway.
- The incident review team determined we had sufficient staffing to provide prevention, detection, and response. The incident review team also determined that adequate video monitoring was in place.